

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ERNESTA WARE,)	
)	
Plaintiff,)	
)	
v.)	No. 06 C 4537
)	
LASALLE BANK,)	
)	
Defendant.)	

MEMORANDUM ORDER

After this Court's August 24, 2006 memorandum order ("Order I") had rejected the groundless effort of Ernesta Ware ("Ware") to obtain in forma pauperis status even though she could clearly afford to pay the \$350 filing fee, Ware's "Motion to expunge financial statement or alternative to seal it" triggered a follow-up memorandum order on September 5 ("Order II") that denied that motion and also confirmed the untimeliness of Ware's Complaint. Order II was also accompanied by a contemporaneous order that set an initial status hearing date for November 2. Less than a week before that scheduled date, Ware filed a self-prepared notice asking that the status hearing be extended to November 30--fully four weeks later. Because that notice of motion arrived during this Court's absence from the city (it was then sitting with the Court of Appeals for the Ninth Circuit), this Court's staff granted the requested extension to November 30.

Under ordinary circumstances this Court would have had no

problem with that action, but it learned on its return to the city that Ware has not yet served defendant LaSalle Bank ("LaSalle"). That is really unacceptable--as Opinion II made clear, this Court had then refrained from dismissing Ware's action as barred by limitations only because of the unlikely possibility that LaSalle might waive that obvious defense by not raising the issue. Under the circumstances a copy of this third memorandum order is being transmitted to LaSalle as well as to Ware, and if LaSalle raises the issue of untimeliness by filing a motion to dismiss in advance of the November 30 date, this Court will feel free to act on such a motion without any need for delay.

A handwritten signature in cursive script, reading "Milton I. Shadur".

Milton I. Shadur
Senior United States District Judge

Date: October 31, 2006